In re application of:

Conf. No.:

6459

David K. KOVALIC et al.

Art Unit:

1631

Appln. No.: 10/767,701

Examiner:

Shubo ZHOU

Filed:

January 29, 2004

Atty. Docket: 16517.311

For:

Recombinant Polypeptides Associated with Plants

# Request for Correction of Inventorship under 37 C.F.R. § 1.48(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Sir:

The declaration in the above-referenced nonprovisional application has been amended to reflect additional priority information for the application and to add inventors that were inadvertently not named in the application.

Therefore, it is hereby requested that Scott ANDERSEN, Michael EDGERTON, and Jingdong LIU be added as inventors for Application No. 10/767,701, by (1) the filing of this Request; (2) a statement from each inventor being added that the inventorship error occurred without deceptive intention on his or her part; (3) payment of the appropriate \$130.00 fee; and (4) a declaration by the actual inventors as required by 37 C.F.R. § 1.63.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment including fees for required extensions of time, to our Deposit Account No. 50-2387, referencing docket number 16517.311. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

Holly Logue Prutz (Reg. No. 47,755)

David R. Marsh (Reg. No. 41,408)

David R. Marsh (Reg. No. 41,408)

ARNOLD & PORTER LLP 555 Twelfth Street, NW Washington, D.C. 20004-1206 (202) 942-5000 telephone (202) 942-5999 facsimile

Correspondence Address:

Date: May 25, 2007

MONSANTO COMPANY 800 N. Lindbergh Blvd. Mailzone E2NA St. Louis, MO 63167 (314) 694-3602 telephone (314) 694-9009 facsimile



In re application of:

Conf. No.:

6459

David K. KOVALIC et al.

Art Unit:

1631

Appln. No.: 10/767,701

Examiner:

Shubo ZHOU

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January 29, 2004

Atty. Docket: 16517.311

For:

Recombinant Polypeptides Associated with Plants

# Request for Correction of Inventorship under 37 C.F.R. § 1.48(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Sir:

The declaration in the above-referenced nonprovisional application has been amended to reflect additional priority information for the application and to add inventors that were inadvertently not named in the application.

Therefore, it is hereby requested that Scott ANDERSEN, Michael EDGERTON, and Jingdong LIU be added as inventors for Application No. 10/767,701, by (1) the filing of this Request; (2) a statement from each inventor being added that the inventorship error occurred without deceptive intention on his or her part; (3) payment of the appropriate \$130.00 fee; and (4) a declaration by the actual inventors as required by 37 C.F.R. § 1.63.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment including fees for required extensions of time, to our Deposit Account No. 50-2387, referencing docket number 16517.311. A duplicate copy of this Petition is enclosed.

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Date: May 25, 2007 ARNOLD & PORTER LLP

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Washington, D.C. 20004-1206

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Correspondence Address:

MONSANTO COMPANY 800 N. Lindbergh Blvd. Mailzone E2NA St. Louis, MO 63167 (314) 694-3602 telephone (314) 694-9009 facsimile

In re application of: Conf. No.: 6459

David K. KOVALIC et al. Art Unit: 1631

Appln. No.: 10/767,701 Examiner: Shubo Zhou

Filed: January 29, 2004 Atty. Docket: 16517.311

For: Recombinant Polypeptides Associated with Plants

# Request for Correction of Inventorship under 37 C.F.R. § 1.48(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I, Scott ANDERSEN, residing in St. Louis, MO, hereby state that the inventorship error in the above-referenced provisional application occurred without deceptive intention on my part.

Scott ANDERSEN, Ph.D.

Date

As a below named inventor, I hereby declare that:

Docket Number: <u>16517.311</u>

My residence, post off	ice address and citizenship a	re as stated below next to my name.	
nventor (if plural nam	es are listed below) of the su Recombinant Polypeptides	f only one name is listed below) or an object matter that is claimed and for wh Associated with Plants, the specificat	ich a patent is sought on
as United Star	fanuary 29, 2004; tes Application Number 10/7 on 3/2/2004; 7/24/2006; 11/		
	ve reviewed and understand any amendment referred to	the contents of the above identified speabove.	ecification, including the
acknowledge the duty	y to disclose information that	t is material to patentability as defined	in 37 C.F.R. § 1.56.
patent or inventor's cer country other than the	tificate, or § 365(a) of any P United States listed below, a	S.C. § 119(a)-(d) or § 365(b) of any for CT international application, which de and have also identified below any fore cation having a filing date before that of	signated at least one ign application for patent
Prior Foreign Applicat	cion(s)		Priority Claimed
(Application No.)	(Country)	(Day/Month/Year Filed)	Yes No
(Application No.)	(Country)	(Day/Month/Year Filed)	Yes No
hereby claim the ben	efit under 35 U.S.C. § 119(e)	) of any United States provisional appli	cation(s) listed below.
60/202,213 (Application No.)	May 8, 2000 (Filing Date)	<u></u>	
(Application No.)	(Filing Date)		

provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

09/684,016 (Application No.)	October 10, 2000 (Filing Date)	Pending (Status - patented, pending, abandoned)
09/654,617 (Application No.)	September 5, 2000 (Filing Date)	Abandoned (Status - patented, pending, abandoned)
09/850,147 (Application No.)	May 8, 2001 (Filing Date)	Abandoned (Status - patented, pending, abandoned)
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09/985,678 (Application No.)	November 5, 2001 (Filing Date)	Abandoned (Status - patented, pending, abandoned)
09/304,517	May 6, 1999	Abandoned
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

practitioners of Customer No.

66057

Send Correspondence to:

Customer No.

66057

Full name of sole or first inventor: David K. KOVALIC			
Inventor's signature Date			
Residence Clayton, Missouri			
Citizenship US			
Post Office Address 39 Hillvale Drive, Clayton, Missouri 63105, USA			
Full name of second inventor: Yihua ZHOU			
Inventor's signature Date			
Residence Ballwin, Missouri			
Citizenship US			
Post Office Address 1016 Westrun Drive, Ballwin, Missouri 63021, USA			
Full name of third inventor: Yongwei CAO			
Inventor's signature Date			
Residence Chesterfield, Missouri			
Citizenship CN			
Post Office Address 16796 Baxter Pointe Court, Chesterfield, Missouri 63005, USA			

Full name of fourth inventor: Scott E. ANDERSEN			
Inventor's signature Lift Ad Date 2-27-07			
Residence St. Louis, Missouri			
Citizenship US			
Post Office Address 1036 Fashion Square, St. Louis, Missouri 63146, USA			
Full name of fifth inventor: Michael D. EDGERTON			
Inventor's signature Date			
Residence St. Louis, Missouri			
Citizenship US			
Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA			
Full name of sixth inventor: Jingdong LIU			
Inventor's signature Date			
Residence Chesterfield, Missouri			
Citizenship US			
Post Office Address 2200 Sycamore Drive, Chesterfield, Missouri 63017, USA			

In re application of:

Conf. No.:

6459

David K. KOVALIC et al.

Art Unit:

1631

Appln. No.: 10/767,701

Examiner:

Shubo Zhou

Filed:

January 29, 2004

Atty. Docket: 16517.311

For:

Recombinant Polypeptides Associated with Plants

# Request for Correction of Inventorship under 37 C.F.R. § 1.48(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I, Michael EDGERTON, residing in St. Louis, MO, hereby state that the inventorship error in the above-referenced provisional application occurred without deceptive intention on my part.

As a below named inv	entor, I hereby declare that:	Docke	et Number: 16517.311
My residence, post off	ice address and citizenship ar	e as stated below next to my name.	
nventor (if plural nam	es are listed below) of the sub Recombinant Polypeptides A	only one name is listed below) or an original opect matter that is claimed and for which a seciated with Plants, the specification of	patent is sought on
as United Sta	<u>fanuary 29, 2004;</u> tes Application Number <u>10/76</u> on <u>3/2/2004; 7/24/2006; 11/2</u>		
I hereby state that I ha claims, as amended by	ve reviewed and understand the any amendment referred to a	he contents of the above identified specific bove.	ation, including the
I acknowledge the dut	y to disclose information that	is material to patentability as defined in 37	C.F.R. § 1.56.
patent or inventor's cer country other than the	rtificate, or § 365(a) of any PC United States listed below, ar	S.C. § 119(a)-(d) or § 365(b) of any foreign CT international application, which designs and have also identified below any foreign a ation having a filing date before that of the	ated at least one pplication for patent
Prior Foreign Applicat	tion(s)		Priority Claimed
(Application No.)	(Country)	(Day/Month/Year Filed)	Yes No
(Application No.)	(Country)	(Day/Month/Year Filed)	Yes No
I hereby claim the ben	efit under 35 U.S.C. § 119(e)	of any United States provisional application	on(s) listed below.
60/202,213 (Application No.)	May 8, 2000 (Filing Date)		
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66057

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Customer No.

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Full name of sole or first in	nventor: David K. KOVALIC
Inventor's signature	Date
Residence Clay	yton, Missouri
Citizenship	US
Post Office Address	39 Hillvale Drive, Clayton, Missouri 63105, USA
Full name of second inven	ator: Yihua ZHOU
Inventor's signature	Date
Residence Bal	lwin, Missouri
Citizenship	US
Post Office Address	1016 Westrun Drive, Ballwin, Missouri 63021, USA
Full name of third invento	or: Yongwei CAO
Inventor's signature	Date
Residence Che	esterfield, Missouri
Citizenship	CN
Post Office Address	16796 Baxter Pointe Court, Chesterfield, Missouri 63005, USA

Full name of fourth inventor: Scott E. ANDERSEN
Inventor's signature Date
Residence St. Louis, Missouri
Citizenship US
Post Office Address 1036 Fashion Square, St. Louis, Missouri 63146, USA
Full name of fifth inventor: Michael D. EDGERTON
Inventor's signature 127 Mar 2007
Residence St. Louis, Missouri
Citizenship US
Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA
Full name of sixth inventor: Jingdong LIU
Inventor's signature Date
Residence Chesterfield, Missouri
Citizenship US
Post Office Address 2200 Sycamore Drive, Chesterfield, Missouri 63017, USA

6459

In re application of: Conf. No.:

David K. KOVALIC et al. Art Unit: 1631

Appln. No.: 10/767,701 Examiner: Shubo Zhou Filed: January 29, 2004 Atty. Docket: 16517.311

For: Recombinant Polypeptides Associated with Plants

## Request for Correction of Inventorship under 37 C.F.R. § 1.48(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I, **Jingdong LIU**, residing in Ballwin, MO, hereby state that the inventorship error in the above-referenced provisional application occurred without deceptive intention on my part.

Jingdong LIU

Data

Docket Number: 16517.311 As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Recombinant Polypeptides Associated with Plants, the specification of which is attached hereto unless the following box is checked: 冈 was filed on January 29, 2004; as United States Application Number 10/767,701; and was amended on 3/2/2004; 7/24/2006; 11/2/2006 (if applicable). I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s) Priority Claimed Yes ☐ No (Application No.) (Country) (Day/Month/Year Filed) ☐ Yes ☐ No (Application No.) (Country) (Day/Month/Year Filed) I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below. 60/202,213 May 8, 2000 (Application No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner

(Application No.)

(Filing Date)

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Inventor's signature	Date
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Citizenship US	
Post Office Address 1016	Westrun Drive, Ballwin, Missouri 63021, USA
Full name of third inventor: Y	ongwei CAO
Inventor's signature	Date
Residence Chesterf	ield, Missouri
Citizenship CN	
Post Office Address 1679	6 Baxter Pointe Court, Chesterfield, Missouri 63005, USA

Full name of fourth inver	ntor: Scott E. ANDERSEN
Inventor's signature	Date
Residence St.	. Louis, Missouri
Citizenship	US
Post Office Address	1036 Fashion Square, St. Louis, Missouri 63146, USA
Full name of fifth invent	tor: Michael D. EDGERTON
Inventor's signature	Date
Residence St	. Louis, Missouri
Citizenship	US
Post Office Address	431 Westgate Avenue, St. Louis, Missouri 63130, USA
Full name of sixth inven	ntor: Jingdong LIU
Inventor's signature	Date . 2-27-07
Residence Cl	hesterfield, Missouri
Citizenship	US
Post Office Address	2200 Sycamore Drive, Chesterfield, Missouri 63017, USA

Docket Number: <u>16517.311</u>

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was filed on <u>January 29, 2004;</u>
as United States Application Number <u>10/767,701;</u> and was amended on <u>3/2/2004;</u> 7/24/2006; 11/2/2006 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

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I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Claimed	
(Application No.)	(Country)	(Day/Month/Year Filed)	☐ Yes ☐ No	
(Application No.)	(Country)	(Day/Month/Year Filed)	☐ Yes ☐ No	
I hereby claim the ber	nefit under 35 U.S.C. § 119(e) o	f any United States provisional applicati	on(s) listed below.	
60/202,213 (Application No.)	May 8, 2000 (Filing Date)	<del> </del>		
(Application No.)	(Filing Date)			

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Send Correspondence to:

Customer No.

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Full name of sole or first inventor: David K. KOVALIC	
Inventor's signature Date 3/30/2007	
Residence Clayton, Missouri	
Citizenship US	
Post Office Address 39 Hillvale Drive, Clayton, Missouri 63105, USA	
Full name of second inventor: Yihua ZHOU	
Inventor's signature Date	
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Residence St. Louis, Missouri  Citizenship US  Post Office Address 1036 Fashion Square, St. Louis, Missouri 63146, USA  Full name of fifth inventor: Michael D. EDGERTON  Inventor's signature Date  Residence St. Louis, Missouri  Citizenship US  Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU  Inventor's signature Date	Full name of fourth inven-	tor: Scott E. ANDERSEN
Post Office Address 1036 Fashion Square, St. Louis, Missouri 63146, USA  Full name of fifth inventor: Michael D. EDGERTON  Inventor's signature Date  Residence St. Louis, Missouri  Citizenship US  Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU	Inventor's signature	Date
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Full name of fifth inventor: Michael D. EDGERTON  Inventor's signature Date  Residence St. Louis, Missouri  Citizenship US  Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU	Citizenship	US
Inventor's signature Date  Residence St. Louis, Missouri  Citizenship US  Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU	Post Office Address	1036 Fashion Square, St. Louis, Missouri 63146, USA
Inventor's signature Date  Residence St. Louis, Missouri  Citizenship US  Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU		
Residence St. Louis, Missouri  Citizenship US  Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU	Full name of fifth invento	or: Michael D. EDGERTON
Citizenship US  Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU	Inventor's signature	Date
Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA  Full name of sixth inventor: Jingdong LIU	Residence St.	Louis, Missouri
Full name of sixth inventor: Jingdong LIU	Citizenship	US
	Post Office Address	431 Westgate Avenue, St. Louis, Missouri 63130, USA
Inventor's signature Date	Full name of sixth invento	or: Jingdong LIU
	Inventor's signature	Date
Residence Chesterfield, Missouri	Residence Ch	esterfield, Missouri
Citizenship US	Citizenship	US
Post Office Address 2200 Sycamore Drive, Chesterfield, Missouri 63017, USA	Post Office Address	2200 Sycamore Drive, Chesterfield, Missouri 63017, USA

Docket Number: <u>16517.311</u>

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(Filing Date)

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Full name of second inventor: Yihua ZHOU		
Inventor's signature  Date 3-9-07		
Residence Ballwin, Missouri		
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Full name of fourth inventor: Scott E. ANDERSEN		
Inventor's signature	Date	
Residence St. Lo	ouis, Missouri	
Citizenship US	S	
Post Office Address 10	036 Fashion Square, St. Louis, Missouri 63146, USA	
Full name of fifth inventor:	Michael D. EDGERTON	
Inventor's signature	Date	
Residence St. Lo	ouis, Missouri	
Citizenship U	S	
Post Office Address 431 Westgate Avenue, St. Louis, Missouri 63130, USA		
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As a below named in	ventor, I hereby declare that:	<i>B</i> <sub>0</sub>	<b>cket</b> (4dimoci. 10517.511
My residence, post of	ffice address and citizenship are	e as stated below next to my name.	
inventor (if plural nar the invention entitled	mes are listed below) of the sub	only one name is listed below) or an or ject matter that is claimed and for which associated with Plants, the specification	h a patent is sought on
as United St	January 29, 2004; ates Application Number <u>10/76</u> d on <u>3/2/2004; 7/24/2006; 11/2</u>		
	ave reviewed and understand the by any amendment referred to all	ne contents of the above identified spec bove.	ification, including the
I acknowledge the du	ity to disclose information that	is material to patentability as defined in	37 C.F.R. § 1.56.
patent or inventor's country other than the	ertificate, or § 365(a) of any PC e United States listed below, an	S.C. § 119(a)-(d) or § 365(b) of any fore T international application, which desi d have also identified below any foreig ation having a filing date before that of	gnated at least one in application for patent
Prior Foreign Applica	ation(s)	•	Priority Claimed
(Application No.)	(Country)	(Day/Month/Year Filed)	☐ Yes ☐ No
(Application No.)	(Country)	(Day/Month/Year Filed)	☐ Yes ☐ No
I hereby claim the be	enefit under 35 U.S.C. § 119(e)	of any United States provisional applic	ation(s) listed below.
60/202,213 (Application No.)	May 8, 2000 (Filing Date)		
(Application No.)	(Filing Date)		

provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

09/684,016 (Application No.)	October 10, 2000 (Filing Date)	Pending (Status - patented, pending, abandoned)
09/654,617 (Application No.)	September 5, 2000 (Filing Date)	Abandoned (Status - patented, pending, abandoned)
09/850,147 (Application No.)	May 8, 2001 (Filing Date)	Abandoned (Status - patented, pending, abandoned)
10/425,115 (Application No.)	April 28, 2003 (Filing Date)	Pending (Status - patented, pending, abandoned)
09/985,678 (Application No.)	November 5, 2001 (Filing Date)	Abandoned (Status - patented, pending, abandoned)
09/304,517	May 6, 1999	Abandoned
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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